

sequence which codes for the LK68 protein; Group IX-XII (claims 18 and 19), drawn to a method for treating cancer using LK68, LK6, LK7 and LK8 proteins; Group XIII-XVI (claims 18 and 19), drawn to a method for treating rheumatoid arthritis using LK68, LK6, LK7 and LK8 proteins; Group XV-XVIII (claims 18 and 19), drawn to a method for treating psoriasis using LK68, LK6, LK7 and LK8 proteins; and Group XIX-XXII (claims 18 and 19), drawn to a method for treating ocular angiogenic disease using LK68, LK6, LK7 and LK8 proteins.

Applicants traverse this requirement. Reconsideration and withdrawal thereof are earnestly requested.

Applicants submit that there is not an undue burden placed upon the Examiner to search and consider all of the claims.

The Examiner is respectfully requested to consider the fact that the present application is directed to Kunitz-type domains, which are inhibitors of angiogenesis. The Kunitz-type domains of the invention, in particular, LK6, LK7, LK8 and LK68 are related protein domains, and share a common feature that they inhibit angiogenesis. These domains may be used separately, or may be used in combination with one another, and therefore, they should be considered and examined as a single invention. Especially with respect to the consideration of LK68, if the claims that are drawn to LK68 are examined, then by necessity, at least the claims directed to domains LK6 and LK8 individually should be examined as well. Therefore, the search for LK68 will necessarily encompass searches of LK6 and LK8.

Further, it would not require undue experimentation for the Examiner to examine these Kunitz-type domains and methods of using them. Rather, Applicants submit that it is highly burdensome upon Applicants to be forced to file twenty two (22) individual patent applications on bits and pieces of an invention, where the core of the discovery relates to using several related Kunitz-type domains, singly and in combination. Accordingly, all of the claims should be joined and examined together.

In addition, the protein and nucleic acid claims should be joined and examined together as they are linked by the special technical feature that the nucleic acid encodes the very proteins that are also claimed. Therefore, it cannot be said that the nucleic acid and protein claims are not related by a special technical feature.

However, in order to be responsive to the outstanding Restriction Requirement, Applicants provisionally elect to prosecute Group IV, claims 4 and 17, drawn to LK68 protein, for prosecution on the merits, with traverse. Applicants specifically preserve the right to prosecute the non-elected claims.

With regard to the method of using the various Kunitz-type domains, Applicants note that the treatment methods and the treatment agent, such as the protein or the nucleic acid, are linked by the special technical feature of the agent effecting a treatment for an indicated condition. Therefore, the methods of treating the various indicated angiogenesis related diseases, such as cancer, rheumatoid arthritis, psoriasis and the like should be joined with the product claims and examined together. At the least, the restriction requirement separating out the method of use claims should be held in abeyance until allowable subject matter is found in the product claims, and then rejoined and considered at that time, as provided for under *In re Ochiai* and *In re Brouwer*.

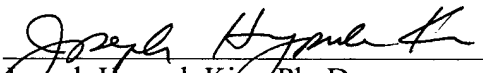
Accordingly, early examination on the merits is respectfully requested.

The Commissioner is authorized to charge Deposit Account 502486 for any fees due to secure entry of this amendment to the extent necessary.

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Respectfully submitted,

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